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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

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9 Rockney Martineau, ) No. CV-11-2091-PHX-GMS

10 Plaintiff, ) **ORDER**

11 vs. )

12 )  
13 JPMorgan Chase Bank, N.A., as successor )  
14 in interest to EMC Mortgage LLC,) formerly known as EMC Mortgage )  
15 Corporation, )

16 )  
17 Defendant. )

18 Pending before the Court is Defendant's Motion to Dismiss (Doc. 6). The motion was  
19 filed on October 31, 2011, along with notices of the motion and certificates of service. LRCiv  
20 7.2(c) states that, "[t]he opposing party shall . . . have fourteen (14) days after service in a  
21 civil or criminal case within which to serve and file a responsive memorandum." Plaintiff has  
22 failed to respond to Defendant's Motion. Under LRCiv 7.2(i), such failure to respond "may  
23 be deemed consent to the . . . granting of the motion and the Court may dispose of the motion  
summarily."

24 On November 21, 2011, the Court ordered Plaintiff to "file and serve responsive  
25 memoranda to Defendant's Motion (Doc. 6) **before 5:00 p.m. on December 5, 2011.**" (Doc.  
26 7). The Court also warned Plaintiff that should he fail to comply with the Order, "[t]his could  
27 result in the dismissal of [his] claim." (*Id.*).

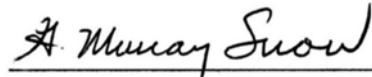
28 To date, Plaintiff has still not responded to Defendant's Motion or requested an

1 extension of time to do so. The Court will therefore grant Defendant's Motion to Dismiss  
2 pursuant to Local Rule 7.2(I). *See Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995)  
3 (holding that a district court did not err in summarily granting a defendant's motion to  
4 dismiss where the local rule stated that “[t]he failure of the opposing party to [respond] shall  
5 constitute a consent to the granting of the motion” and where the pro se plaintiff “was given  
6 ample time to respond” but failed to do so); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir.  
7 1992) (upholding a district court's dismissal of a pro se plaintiff's complaint for failure to  
8 comply with a court order).

9       **IT IS THEREFORE ORDERED** that Defendant's **Motion to Dismiss** (Doc. 6) is  
10 **GRANTED**.

11       The Clerk of Court is directed to **terminate** this action.

12       DATED this 4th day of January, 2012.

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16       G. Murray Snow  
17       United States District Judge  
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